



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-03-2026

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP NO. 25740 OF 2025 and WMP No. 28935 of 2025

J J 598 Uthukottai Primary Agricultural
Cooperative Credit Society
By its President, At Present Rep by its
Administrator, Thiruvallur District.

Petitioner(s)

Vs

1. A.Partheepan
2.The Deputy Commissioner of Labour
Office of Joint Commissioner of Labour
2, Chennai-600 006.

Respondent(s)

PRAYER: Petition filed under Article 226 of Constitution of India, calling for the records in the order passed in PSA.No.3 of 2023 by the 2nd Respondent dated 26.02.2025 and quash the same as illegal.

For Petitioner:	Mr.B.Tamilnidhi
For Respondent:	Mr.S.Vaideeswaran for R1 Ms.V.Yamunadevi for R2 Special Government Pleader

ORDER

Challenging the order of the second respondent dated 26.02.2025 in PSA.No.3 of 2023, the present writ petition has been filed.

2. It is the case of the petitioner society that the first respondent was initially working as Junior Clerk and on certain charges, he was suspended on 02.05.2019 and a charge memo was issued which resulted in dismissal from service vide order dated 07.09.2020. Upon revision, the order dated 07.09.2020



was set aside by the Joint Registrar of Cooperative Society, Tiruvallur. The first respondent filed a petition before the second respondent seeking for grant of subsistence allowance from the suspension order till the rejoining date, viz., 03.05.2019 to 23.11.2021 and the second respondent vide the impugned order allowed the request of the first respondent and granted the subsistence allowance for the above period, viz., 03.05.2019 to 23.11.2021. Challenging the order of the second respondent, the present writ petition is filed.

3. The learned counsel for the petitioner fairly submitted that the petitioner is entitled for subsistence allowance only from 02.05.2019 to 06.09.2020 and after dismissal from service, he is not entitled for subsistence allowance, whereas, the second respondent has ordered the petitioner to pay the subsistence allowance to the second respondent from the date of suspension including the days after the petitioner's dismissal from service. He would contend that subsistence allowance is paid only for the suspension order and not beyond that.

4. The learned counsel for the first respondent submitted that the first respondent may be permitted to independently raise other disputes, if any before the appellate authority.

5. Heard both sides and perused the materials placed on record.



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6. As rightly pointed out by the learned counsel for the petitioner, subsistence allowance is paid only for the suspended period not beyond that.

Admittedly, the petitioner was suspended on 02.05.2019 and he was dismissed from service on 07.09.2020. Thereafter, vide order dated 23.11.2021, he was reinstated. At the most, the petitioner is entitled for subsistence allowance only for the period of suspension till the date of dismissal from service, viz., 03.05.2019 to 06.09.2020, not beyond that. Such view of the matter, the order of the second respondent requires interference from the hands of this Court.

7. Accordingly, the impugned order dated 26.02.2025 passed by the second respondent is set aside, however, liberty is granted to the first respondent to raise issue independently before the appellate authority. In view of the above, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

18-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

The Deputy Commissioner of Labour
Office of Joint Commissioner of Labour
2, Chennai-600 006.



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M.DHANDAPANI J.

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